

NEVER TOUCHED IT

COMPLAINANTS AGAINST THE TOBACCO TRUST BEATEN.

New Jersey Chancery Court Holds That a Corporation has the Same Right to Sell to Whom It Pleases and on Whatever Terms It Can Make That an Individual has—Wynn's Letter Box Case—Color Question and Pullman Tickets—Joint Traffic Deal—Omaha's Reports—Court and Business News.

Trenton, N. J., March 12.—Vice Chancellor Reed this morning filed with the clerk of the court of chancery his decision dismissing the bill brought against the American Tobacco company.

The suit was brought jointly in the name of the attorney general and Miller Bros., tobacco dealers, of New York, for the purpose of restraining the Tobacco trust from transacting its business and from conducting the business in a manner prejudicial to the complainants and injurious to the people of the state of New Jersey. The opinion is a voluminous one and Vice Chancellor Reed makes comparison as to what would be the rights of an individual and of a corporation under the same condition. He says that it would not be thought of to go into court to restrain an individual from exercising the right of selling to whom he pleased, and he argues that a corporation has the same right in this respect as an individual.

He says it is perfectly obvious in this case that upon the assumption that the American Tobacco company is a legally organized corporation there is not the least ground for imputing to it conduct since its organization of an ultra vires character.

The question as to whether the corporation is legally organized, is one that the vice chancellor holds should be determined by a court of law under quo warranto proceedings.

The syllabus of the opinion is as follows:

"First, a court of equity does not possess the power to restrain a corporation organized under the laws of a state from performing acts within the corporate power, merely because some of the steps taken in organizing the corporation may have been irregular, or because the purpose of the incorporators may have been to establish a monopoly.

"Second, under these conditions quo warranto is the appropriate proceeding to challenge the right of the corporation to exercise its franchise.

"Third, a trading or manufacturing corporation, under its charter is annulled by such proceedings at law, has the same authority as an individual trader or manufacturer to sell or consign its goods, to select its selling agents and to impose conditions as to whom it shall sell and the terms upon which it will sell.

"Fourth, a decree restraining the officers and agents of a corporation from executing its corporate powers is the same as a decree enjoining the corporation itself."

WYNN'S LETTER-BOX CASE.

Washington, March 12.—The suit of Solomon C. Wynn of Toledo, against William L. Wilson, as postmaster general, and Messrs. Mayberry and Ellis, contractors, to annul the recently awarded contract for furnishing street letter boxes to the government, has been abated by reason of the retirement of Mr. Wilson from the postmaster generalship. This was decided today by Judge Cox, on the strength of a recent United States supreme court decision, and the only step the complainants can take is to bring the suit against the new postmaster general, Mr. Gary. It is asserted that the prosecution of the case will be dropped.

COLORED MAN WINS.

Galveston, Tex., March 12.—The court of civil appeals has affirmed the decision of the lower court in the case of the Pullman Palace Car company, vs. Thomas W. Cain, a negro minister, who purchased a first-class ticket from St. Louis to Galveston, but who was compelled to ride in a "negro" car. The appellate court held that where a ticket is sold for a separate coach like a Pullman, that a negro is entitled to passage in that kind of car, or the company is liable for damages.

NEW JOINT TRAFFIC DEAL.

New York, March 12.—A very important arrangement has been entered into between the Norfolk and Western and the Joint Traffic lines, whereby the former receives a fixed percentage of west-bound business under the same agreement respecting the same. Negotiations to that end have been under way in this city during the past few days between Vice President Bullitt of the Norfolk and Western and Knott of the Louisville and Nashville, on the one hand and the Joint Traffic representatives on the other. The agreement reached is well calculated to bring about the future maintenance of the east-bound rates. The agreement applies to the Cumberland Gap Dispatch, operated by the Norfolk and Western and the Louisville and Nashville and all other possible disturbing factors under it, so far as the west-bound traffic is concerned, will be effectively removed.

OMAHA'S GOOD REPORT.

St. Paul, March 12.—The fiscal year of the Chicago, St. Paul, Minneapolis and Omaha railway is also the calendar year. The annual report of the Omaha for 1896 has been sent to headquarters by the printer and copies of it were sent to officers in New York and officials in St. Paul by Comptroller Scott. It shows \$5,164,124 gross earnings, made up as follows: Passengers, \$1,685,329.42; freight, \$3,883,425.38; express, \$152,988.74; mail, \$1,000.00.

Who can measure the influence of a Mother!

It lasts through all ages and enters the confines of eternity. With what care, therefore, should she be guarded and how great the effort be to make her life happy.

Mother's Friend

makes child-birth easy, assists nature, cures the Mother stronger after than before confinement and robs the trying hour of its terror. No Mother can afford to neglect its use.

Or druggists at \$1.00, or sent by mail on receipt of price. Write for book containing valuable information for all Mothers, mailed free.

The Bradford Regulator Co., Atlanta, Ga.

EATS NICKLE PLATING.

The Facts Slowly Come Out.

"I notice that all around the faucet and the faucet handles of our coffee urns the nickel plating is eaten off," said the coffee maker in one of the large city restaurants lately, "and the inside of the big dipper that we use steadily, in drawing off coffee, gets to be a sight. I believe it hurts people's stomachs more than they think. I know I had to quit it, and when I quit, my dyspepsia left me in less than a week."

Postum Cereal is made of pure grains and looks like coffee. It fits the want for coffee for those who cannot drink the berry liquid. Postum makes good healthy red blood, and can be used by children and invalids as well as the healthy. Found at grocers or a 35c post-paid package sent by the Postum Cereal Co., Ltd., of Battle Creek, Mich.

There is but one genuine original Postum Cereal coffee, with a multitude of imitations offered as "just as good."

\$212,556.90; miscellaneous, \$196,600. Net earnings were \$3,019,103, and surplus, \$340,091.36. The mileage remained unchanged, being 1,422.64 for the Omaha and 62.59 for leased lines. This report is one of the most gratifying in itself and one of the most gratifying in the northwest that has appeared in several years.

HOOP IRON ASSOCIATION.

Pittsburg, Pa., March 12.—The fact has just been made public that the Hoop Iron Association has been dissolved. The cause was the refusal of two leading firms to continue the organization and it expired by limitation. The market is now open. The only members of the combination in this city were J. Painter Sons & Co., and William Clark & Co.

OVERLOOKED THE WEST

Which at Once Proceeds to Assert Its Westernness Effectively.

St. Louis, March 12.—Seven delegates representing the Pacific jurisdiction of nine states in the Sovereign camp, Woodmen Circle, Ladies Auxiliary, of the Woodmen of the World, held the convention being held here and proceeded to effect a new organization by adopting a constitution and by-laws and electing supreme officers.

The break in the circle was occasioned by the Sovereign camp ignoring the women of the west in making up its list of committees. On hearing that they had been thus ignored the western women presented to the Sovereign camp a resolution asking for separate jurisdiction. This resolution was promptly passed and the seven western delegates walked out of the convention in a body. The bolters were Mrs. Helen Southwick of Salem, Oregon; Mrs. Irene Johnson of Toledo, Oregon; Mrs. Carrie C. Van, Orderville, Pendleton, Oregon; Mrs. Annie Hawkins of Albany, Oregon; Mrs. O. A. Grimsbaw of Denver, Colorado; Mrs. William Doherty of Pueblo, Colorado; and Mrs. J. L. Wright of Leadville.

That is not the only split that will occur in the organization," said Mrs. O. A. Grimsbaw of Denver, who was present at the bolters' meeting, advising the women in perfecting the new organization.

"The Sovereign camp of Woodmen has suspended the entire Pacific jurisdiction of Woodmen of the World from participation in the convention and by so doing has very properly laid the foundation for a rival organization."

St. Louis, Mo., March 12.—It is semi-officially announced that the motion to remove the headquarters of the Sovereign camp of the Modern Woodmen of the World, from Omaha, Neb., will be carried at tomorrow's meeting of the organization, and that St. Louis will be chosen. The sovereign commander said today:

"We have a large southern membership, and St. Louis would be the most central place we could select."

Besides the officers who would have to spend a great deal of their time at the headquarters, the sovereign camp employs about thirty clerks.

Another matter of importance to the order that will be taken up at tomorrow's session is the department plan. By the department plan is meant the subdivision of the states into districts, and giving each district a separate jurisdiction. The sovereign commander says that this plan will probably be defeated.

Today was spent in revising the constitution. The section of the constitution dealing with liquidators from membership was amended.

LEGAL TENDER IN NEBRASKA

Bill Pending in the Legislature Aimed at

Omaha, March 12.—A special to the Bee from Lincoln, Nebraska, says: The house this morning passed without the emergency clause Wooster's bill prescribing what shall be a legal tender in Nebraska. This bill is intended to prevent the circulation of the gold clause in contracts, notes, or mortgages.

A conflict between the legislative and executive branches of the government on one side and the judicial on the other is on. It grows out of the efforts of Republicans to stop the progress of a re-count of ballots cast at the last election by which the Populists hope to seat two additional members of the supreme court. The bill providing for a re-count was passed and the re-count is well under way. The Republicans secured a restraining order from the district court of Lancaster county yesterday to hold the matter back. This order is being combated. Attorney General Smith moved its dissolution today. If it is not dissolved, injunction will proceed at any hazard, injunction or no injunction.

Real Estate Transfers.

(Published by the Wichita Abstract and Land Company, H. M. DuBois, abstractor.)

E. E. Hoffman and lots 27 and 28 in

Emporia ave. Thomas' add. \$3 63

Bunnell and Kno Inv Co wd ne qr

sec 22 29 1 W. \$2000

Trustees German Baptist church wd

3rd add lot 25 Tyler ave Getto's

\$24 add 1 W. \$420

Merriam Co Sav Bk ad w hf ne

qr sec 35 28 3w. \$800

J. L. Lombard ad trustees wd

w hf lot 4 blk 6 Chautauqua

add \$4000

One happiness is but an unhappiness more

or less coaxed.—N. Y. Weekly

ARE NOT PATRIOTIC

GRAND ARMY COMMITTEE COMPLAINS OF SOBOL HISTORIES.

After Examining the Various Text Books on American History in Use in the Public Schools it is Their Opinion That the Opportunity to Inculcate Patriotism Offered by the Civil War Period is Entirely Lost and, Indeed, That There is Actually a Glorification of the Southern Idea and of Southern Heroes and Heroism.

Omaha, March 12.—Included in general orders No. 5 from headquarters, G. A. R. Commander-in-Chief Clarkson includes an extract from a letter written him by the chairman of the committee appointed a 1st. Paul last year to examine the histories in use in the public schools. Forecasting the report the letter says:

"After a careful examination and the exchange of views by members of the committee, it was the unanimous opinion that no history in use as a text book gives such an account of the war period as entitles it to the commendation of the committee; that no one of them makes any use of this important period in our history and of its great events, to teach lessons of patriotism; that the child with other sources of information would be entirely unable to determine whether there was any difference in the patriotism of those who fought for the preservation of the 'national unity' and those who fought for the destruction of our government; that there is in all of them a general tendency to enlarge upon and exaggerate the soldierly qualities of the confederates and to belittle the valor and achievements of those who fought upon the other side; that some of those most extensively used are so unapologetic in sentiment as to justify the most severe condemnation."

IMMIGRATION FALLING OFF

South America is Becoming the Mecca of the Undesirable.

Washington, March 12.—A statement prepared at the immigration bureau shows that during the six months ending December 31, 1896, the number of immigrants who arrived in this country was 149,863, a decrease, as compared with the same period of 1895, of 42,200. For the month of January last, the decrease, as compared with January, 1896, was 3,325, making the total decrease for the seven months 46,525. This decrease is said to be largely due to the difficulties and uncertainties attending a landing in this country. The many deportations and the strict examinations enforced in this country is stated to have caused a large increase of immigration from Europe to Brazil, Argentina, Republic and other South American countries, where inducements are offered. An important factor in the large decrease of arrivals in this country is believed to be the proclamation of the Interior minister of the interior warning undesirable classes from embarking for this country and refusing them passports.

MUCH-MARRIED PEOPLE

Sensational Testimony in the Stetson Will Case.

Boston, March 12.—Sensational testimony was introduced in the Stetson will case early today. The first witness was A. P. Mason, the former foreman in the printing office of which John Stetson was proprietor. He stated that in December, 1870, Mr. Stetson desired to have something written to appear in his paper to convey the impression that he and Adah Richmond were married, and yet to make it appear as a fact.

Mr. Stetson explained its necessity by saying that there was too much talk about his living with Adah and that he had to have a sham marriage. "And you know," he said, "I am married too much already."

Mary McLaughlin, a domestic, testified that Miss Richmond told her on one occasion that she had a husband in New York.

The marriage certificate between John Stetson and Catharine Stokes was then offered and admitted, although objected to by counsel for Miss Richmond.

The balance of the day was spent in the introduction of a large number of deeds signed by John Stetson and Catharine Stokes Stetson.

CITY CLUB GETS SNUBBED

Committee of That Organization Waits on Mayor.

New York, March 12.—Wheeler H. Peckham and others, comprising a committee of the City club, called upon Mayor Strong today and asked him to remove Police Commissioner Andrew D. Parker and Fred D. Grant, upon the ground that they refused to vote in the board for the trial of Chief of Police Conlin for insubordination. Speaking for the committee, Mr. Peckham said that an examination of the law would convince any good lawyer that there was sufficient cause for the removal of Parker and Grant.

Arthur von Brisen said that the Mayor should understand that the whole City club was behind him, and that this was the unanimous opinion of the club. The mayor said: "I am very glad that there are some citizens who interest themselves in the City club. I do not think the workings of the City club are of so much importance as the honesty of the thing you represent."

"Oh! but we represent the whole City club," said Mr. von Brisen.

"Well, I would rather take the opinion of the men and me on any question than that of the City club," continued the mayor.

BETTER THAN FIRST REPORTED

Eva Ballington Booth of the Salvation Army Out of Danger.

Toronto, March 12.—Miss Eva Ballington Booth, commander of the Salvation Army forces in Canada, is dangerously ill and her recovery is doubtful.

Three weeks ago, after service in the army train in this city, she was suddenly taken ill, and her condition was so serious that removal to her home was impossible. An office in the temple was converted into a temporary hospital, where she still lies.

Toronto, March 12.—Commissioner Eva Booth of the Salvation Army, who has been seriously ill in this city, is today pronounced out of danger.

EPIDEMIC OF EPIDEMICS

Disease in Multitudinous Forms Ravages Mexico.

Denver, Colo., March 12.—A special to the News from the City of Mexico says: The republic of Mexico appears to be having an epidemic of epidemics. There have already been reported which are carrying off hundreds of people in various parts of the country, and now come

SILVER'S SAY GOES

(Continued from Third Page.)

Siler talk the matter over, and would abide by whatever they agreed to. He asked Brady if that would suit him. "Anything the referee says will suit me," replied Brady.

Siler and Stuart retired to an outside room and for about ten minutes were in close conference. Finally Stuart entered alone, and coming up to Julian who was standing alone at one end of the hall, he said:

"Well, Martin, Siler does not think that he can make any change in his ruling, and there the thing stands."

"It is not right, Stuart," said Julian after a pause.

"Well, I do not know, Julian," Stuart rejoined. "If you had deferred this thing to the day of the fight and Siler had declared himself as he has done, there would have been an argument in the ring."

"There certainly would have been," was Julian's reply.

"Well, I don't know what to do," said the fight promoter. "You and the Corbett people have agreed upon this man for referee, and unless you are disposed to go ahead and turn him down at this late stage of the game, I think that you should agree to whatever he says."

JULIAN GIVES IT UP.

There was another long pause and then Julian said:

"Well, let it go. I give in to the thing and we will let Corbett as Siler says, but I do not think it is right."

"Good," said Stuart, his face clearing as he saw the last chance of the fight being prevented by a row, falling away.

"I don't know why it should be expected," said Julian after the conference, "that Fitzsimmons should always give away everything in all his fights."

"I don't consider Siler's ruling as according to Marquis of Queensbury rules and I think that I told Brady that the rules that were good enough to enable Corbett to win the championship ought to be good enough for him to defend it under. We want nothing but what is fair to both men, and although, as I said in the fighting, he is not good at the style of fighting, and we know that Corbett is good at it. We are willing to give Corbett all of that chance and then we will have him licked just the same. Fitzsimmons may not be as good as Corbett at just that particular thing, but I guess he is enough better in other ways to more than offset the advantage Corbett will have in this respect. Fitzsimmons will win, sure enough, no matter what the style of fighting is."

BOB DOESN'T CARE HANG.

To red-haired fighter himself did not appear to be over-pleased with the result of the conference, but he did not lose any of the confidence that has characterized him ever since he began training for the fight.

"I have always fought under the rules as moving that the men shall not hit with one arm free and with all of the break-aways clean," said Fitzsimmons, "and this is a new thing for me. Corbett has won all of his fights under the rules as I want them, and I do not see why he should make a bolder for something different this time. However, I have always given in on everything to everybody, and I am willing to give in on this. I want the fight to be on the square and I know that I will win it. I will be the winner of that fight on the 17th of March just as sure as I am alive today. Corbett cannot lick me, and he will never see the day he can, no matter whether he fights under Marquis of Queensbury rules, or any other rules."

FOR A CLOSER UNION

Oom Paul Visits His Neighbor, the Orange Free State.

Bloomfontein, Orange Free State, March 12.—President Kruger, of the Transvaal republic, has arrived here with the view of arranging for a closer union between the Transvaal and the Orange Free State. He was entertained at a public luncheon, and in replying to the toast of President Steyn, of the Orange Free State, said he was not there to controvert the queen's rights. Time, he added, would show that he had always defended her majesty.

CASE AGAINST PINGREE

Heard in Supreme Court Which Orders Further Proceedings.

Lansing, Mich., March 12.—The supreme court today affirmed the decision of the Wayne (Detroit) circuit court in holding that D. W. H. Moreland, as a private citizen, had no right to commence the proceedings heard there to ouster Pingree from the office of mayor of Detroit.

The court announced that an order would be entered requiring the attorney general to file a petition against the common council.

PROSPECTORS ARE RESOLVED

There is Gold in the Wichita Mountains and They Mean to Have It.

Ardmore, L. T., March 12.—The latest issue of the Chronicle, published at this place, contained the following dispatch from Marlow, L. T.

The gold excitement continues unabated and reports of fabulous gold deposits come in daily. Two parties who came in yesterday evening, but whose names your correspondent failed to get, bring in the report that the soldiers cannot begin to keep the prospectors out of the Wichita mountains. These same parties brought in the report that about 100 prospectors were arrested by the Indian police and soldiers last Friday, and that all of their tents, tools and cooking utensils were destroyed by the soldiers and the miners were taken outside of the reservation and ordered not to return under heavy penalties, but that as soon as the soldiers were out of sight the miners began their operations and started back towards the mountains, declaring that as there were no legal penalties for going into the mountains they had found some rich leads, and that they were going to work their claims in spite of the soldiers.

There was a report current here that a miner had undertaken to resist the soldiers who were killing his prospects, but the foundation of this report is not very solid.

Messrs. William Percival and C. Harris went over to Anadarko last week to consult with Major Baldwin, the Indian agent, concerning the probability of getting a permit to work in the Wichita mountains. Mr. Percival reported that the major became very abusive and insulting. He ordered Mr. Percival from his office and threatened him with dire vengeance if he ever caught him or any of his men in the Wichita mountains. Messrs. Percival and Harris returned from Anadarko on Saturday much downcast, but wiser for their interview, but both gentlemen declare that they are satisfied as to the richness of the mountains in minerals and will start with a corps of workmen this week for their claim and will attempt to work, notwithstanding Major Baldwin's threat.

There is no doubt as to there being silver, lead, copper and iron in great abundance in those mountains. Two old Arizona miners left here Saturday morning for the mountains, and say they are going to work, notwithstanding Major Baldwin's orders to put all prospectors out of the reservation.

CASTORIA.

The Fight Between Siler and Stuart.

Reports of two more which are spreading alarm.

At Jalapa, in the state of Vera Cruz, an epidemic of scarlet fever is raging to such an extent that the people are fleeing for safety, while in the same vicinity an epidemic of typhoid fever which has much resemblance to yellow fever has broken out in most virulent form. Reports from several gulf coast cities say that a similar disease prevails and the physicians declare an epidemic of yellow fever, as they say that this is always a forerunner of that disease. The outbreaks are progressing with unabated force and these cities that are unaffected are bending their energies to procure sanitary conditions.

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"There certainly would have been," was Julian's reply.

"Well, I don't know what to do," said the fight promoter. "You and the Corbett people have agreed upon this man for referee, and unless you are disposed to go ahead and turn him down at this late stage of the game, I think that you should agree to whatever he says."

"I don't know why it should be expected," said Julian after the conference, "that Fitzsimmons should always give away everything in all his fights."

"I don't consider Siler's ruling as according to Marquis of Queensbury rules and I think that I told Brady that the rules that were good enough to enable Corbett to win the championship ought to be good enough for him to defend it under. We want nothing but what is fair to both men, and although, as I said in the fighting, he is not good at the style of fighting, and we know that Corbett is good at it. We are willing to give Corbett all of that chance and then we will have him licked just the same. Fitzsimmons may not be as good as Corbett at just that particular thing, but I guess he is enough better in other ways to more than offset the advantage Corbett will have in this respect. Fitzsimmons will win, sure enough, no matter what the style of fighting is."

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